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Trump v. Slaughter Talking Points

How to talk about the SCOTUS decision that has stripped independent agencies of their independence

- The Supreme Court recognized in *Humphrey's Executor v. United States* (1935) that the Constitution allows Congress to create independent agencies whose commissioners can only be removed "for cause," meaning for inefficiency, neglect of duty, or malfeasance while in office. President Trump claimed nothing of the sort when he fired former Federal Trade Commission (FTC) Commissioner Rebecca Slaughter via email.
- Independent agencies have served an important role in our government by being the guardians of American consumers, workers, and investors. They have held wealthy corporations that rip-off hardworking Americans accountable and forced dangerous products from the market. The *Slaughter* decision prevents these agencies from continuing to carry out their statutory missions without White House influence.
- Overruling *Humphrey's Executor* and granting the president broad authority to fire the heads of most independent agencies will disincentive regulators from reining in bad actors at corporations and abuses of power such as consumer fraud, unsafe products in the marketplace, and union busting.
- Instead of exercising their authority to make the decisions needed to protect consumers, regulators will be likely to make decisions based on politics. Allowing the president to fire the heads of independent agencies destroys the independence that Congress deemed important to serve the Nation's best interests.
- Without independence, agencies such as the FTC and the Federal Communications Commission (FCC) will become vehicles for presidential administrations to carry out their political agendas, perhaps to the detriment of the wellbeing of everyday Americans and their wallets.
- Without independence, regulations at formerly independent agencies will be more susceptible to pressure from corporations and lobbyists who have political influence with the president.
- Overruling 91-year-old precedent undermines principles of consistency and predictability that are important for the functioning of society and public confidence in the court system.